

*as BMK*  
**ORIGINAL**

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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
MAR 22 2011  
at 3 o'clock and 33 min. M.  
SUE BEITIA, CLERK

Attorney for Plaintiff  
JOSHUA NAKAGAWA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

JOSHUA NAKAGAWA,	)	CIVIL NO. 11-00130 LEK BMK
	)	(Other Non-motor vehicle tort)
Plaintiffs,	)	
	)	PLAINTIFF JOSHUA
vs.	)	NAKAGAWA'S SCHEDULING
	)	CONFERENCE STATEMENT;
COUNTY OF MAUI; MAUI	)	CERTIFICATE OF SERVICE
POLICE DEPARTMENT; DOE	)	
DEFENDANTS 1-100 AND DOE	)	Date: March 28, 2011
ENTITIES 1-100,	)	Time: 9:00 a.m.
	)	Judge: Honorable Barry M. Kurren
Defendants.	)	

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**PLAINTIFF JOSHUA NAKAGAWA'S SCHEDULING CONFERENCE  
STATEMENT**

Plaintiff Joshua Nakagawa (hereinafter "Nakagawa"), by and through his attorney, Michael Jay Green, Esq., hereby submits his scheduling conference statement pursuant to Rule LR 16.2(b) of the Rules of the United States District Court for the District of Hawaii, as follows:

## **I. STATEMENT AND NATURE OF THE CASE**

On or about July 18, 2010, Nakagawa attended a party with friends at Punalau Beach, otherwise known as “Windmill Beach,” in West Maui. While there, Nakagawa was attacked by unknown individuals and received numerous injuries. As Austin Pierman transported Nakagawa to the hospital in a vehicle containing numerous teenagers, he allegedly sideswiped a Maui police officer. After the vehicle passed other Maui police officers, those officers fired their weapon into the vehicle and struck Plaintiff Nakagawa three times in the back.

Defendant County of Maui, Maui Police Department, and unnamed Police Officers, as employees, agents, associates, and/or representatives of the County of Maui, used excessive force against Plaintiff Nakagawa and in doing so, violated his civil rights.

## **II. STATEMENT OF JURISDICTION AND VENUE**

Parties are in agreement that venue and jurisdiction are proper in this matter. Jurisdiction is based upon a federal question. Venue is appropriate because the Defendants reside in the State of Hawaii and the events complained of occurred in the State of Hawaii.

## **III. JURY TRIAL**

A jury trial has been demanded.

**IV. DISCLOSURES**

Disclosures will be made in accordance with the discovery deadlines set by the Court and the applicable rules.

**V. DISCOVERY COMPLETED, IN PROGRESS, MOTIONS**

No discovery has been conducted. The parties participated in a planning meeting on March 7, 2011 via telephone. The parties agreed to standard discovery pursuant to the Federal Rules of Civil Procedure.

**VI. SPECIAL PROCEEDINGS/SPECIAL PROCEDURES**

There are no special procedures anticipated.

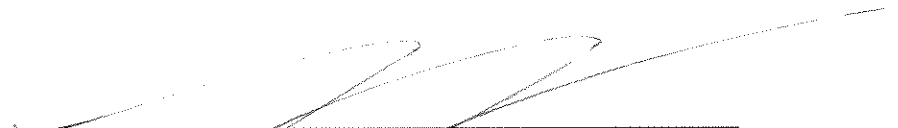
**VII. RELATED CASES**

There are no related cases.

**VIII. ADDITIONAL MATTERS**

At this time, Plaintiff is not aware of any other matters that should be brought to the attention of this Court.

DATED: Honolulu, Hawaii, March 22, 2011.



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MICHAEL JAY GREEN  
Attorney for Plaintiff  
JOSHUA NAKAGAWA

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	)	(Other Non-motor vehicle tort)
Plaintiffs,	)	
	)	CERTIFICATE OF SERVICE
vs.	)	
	)	
COUNTY OF MAUI; MAUI POLICE	)	
DEPARTMENT; DOE	)	
DEFENDANTS 1-100 AND DOE	)	
ENTITIES 1-100,	)	
	)	
Defendants.	)	


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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing will be duly served upon the following party by personal delivery, facsimile, electronically, or by placing same in the court jacket:

PATRICK K. WONG  
Corporation Counsel  
MOANI M. LUTEY  
RICHARD B. ROST  
Deputies Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Maui, Hawaii 96793  
(Attorney for County Defendants)

DATED: Honolulu, Hawaii, March 22, 2011.

  
MICHAEL JAY GREEN  
Attorney for Plaintiff  
JOSHUA NAKAGAWA